S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5702/2007
(Onkardutt Vs. State of Rajasthan)

DATE OF ORDER : 22/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Vijay Purohit for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the petitioner though is registered owner of the vehicle bearing Registration No.R.J.31/GA/0520 but the vehicle in question was given on hire on contract to Mital Kumar and a document to that effect was executed on 16.8.2007 and has been attested by the Oath Commissioner, Sangaria on 16.8.2007 stating therein that the vehicle was given on hire on contract for a period of one year at the rate of Rs.350/- per day and thus on the relevant date of occurrence, the petitioner was not in possession of the vehicle and the person who was in possession of the vehicle namely Mital Kumar has been arrested by the police.

Looking to the facts and circumstances of the case and keeping in view the fact that the vehicle was not in possession of the petitioner on the relevant date which also appears from the order impugned, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Onkardutt S/o Chandrabhan in FIR No. 549/2007 P.S. Sangaria, district Hanumangarh, he shall be

released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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